



Montana Legislative Services Division

Legal Services Office

TO: Water Policy Interim Committee Members
FROM: Cori Hach, Staff Attorney
RE: Administrative Rule Report for October 2021 Meeting

The Department of Natural Resources and Conservation (DNRC) filed a Notice of Public Hearing and Notice of Adoption on the following Notice to Hold Virtual Public Hearing on Proposed Amendment and Adoption on the Categorical Exclusion of the State Revolving Fund Grant Issuance Under the Montana Environmental Policy Act in the Montana Administrative Register (MAR). The Department of Environmental Quality and Conservation and Department of Fish, Wildlife, and Parks have not filed any notices related to water quality or quantity since the July, 2021 WPIC meeting. Full text for the notice summarized below is available at <http://www.mtrules.org> (search by notice number).

DEPARTMENT OF ENVIRONMENTAL QUALITY:

MAR Notice Number: 36-22-212

Notice Description: Notice of Public Hearing on Proposed Adoption published July 23, 2021; Notice of Adoption published October 8, 2021.

Subject: Categorical Exclusion of the State Revolving Fund Grant Issuance Under the Montana Environmental Policy Act

Summary: The DNRC adopted a rule categorically excluding certain grant, loan, and bond programs from the requirement to prepare an environmental assessment or environmental impact statement under MEPA when certain conditions are met. The new rule is modeled closely after 17.40.318, adopted in 2009, that categorically excludes certain projects administered by DEQ or jointly administered by DEQ and DNRC from MEPA review. According to the statement of reasonable necessity, this rule is necessary so that state revolving fund loan projects administered solely by DNRC, projects funded pursuant to ARPA and HB 632 through DNRC, and projects funded pursuant to the renewable resource grant, loan and bond program, reclamation and development grant and loan program, the rangeland improvement loan program, and the aquatic invasive species grant program are also able to receive this categorical exclusion if eligible, without being inconsistent with rule and statute.

Notes/hearing: A virtual public hearing was held on August 17, 2021.

Adoption Notice Notes: The DNRC received no comments on the proposed rule and adopted the new rule (36.17.614) exactly as proposed.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION:

None.

FISH, WILDLIFE AND PARKS:

None.